

the gaps using high density plasma chemical vapor deposition.

35. (New) The method of claim 27, further comprising covering over the substrate with the same dielectric material that fills the gaps by said filling the gaps.

36. (New) The method of claim 27, further comprising partially removing the protective layer during said filling the gaps.

37. (New) The method of claim 27, wherein said patterning includes patterning the protective layer so as to have a profile on the conductive layer that is rectangular, trapezoidal, rectangular, or rectangular having its upper corners etched away.

REMARKS

Claims 1-20 have been canceled. New claims 21-37 have been added. Examination of the amended application is respectfully requested.

The Examiner rejected all the pending claims 1-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of US Patent No. 6,117,345. Claims 2 and 8 were further rejected under 35 USC 112, second paragraph as containing minor informalities. Claims 1-8 and 20 were additionally rejected under 35 USC 112, first paragraph as not complying with the enablement requirement.

Claims 1-20 have been canceled without prejudice or disclaimer. New claims 21-37 are submitted. No new matter has been introduced by way of the amendments made in this response. Applicants respectfully request reconsideration and

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withdrawal of the rejections.

New claims 21-37 have been drafted so as to be in full compliance with the requirements of 35 USC 112, first and second paragraphs. With regard to the 35 USC 112, first paragraph, rejection it is noted that deposition techniques other than HDPCVD are enabled, for example, by the specification at page 9, lines 11-15. New claims 21-37 are therefore clearly meet the enablement requirements of 35 USC 112, first paragraph. The rejections accordingly should be withdrawn.

With respect to the double-patenting rejection, it is respectfully submitted that the scope of the new independent 21 and 27 differ in scope from and are not obvious over the patent claims. The patent claims fail to teach the limitations of *forming an antireflective layer on the conductive layer*, and *patterning the antireflective layer and the conductive layer* (claim 21), and the limitations of *forming a barrier layer on the substrate, forming a conductive layer above the barrier layer, forming a protective layer on the conductive layer, and patterning the protective layer and the conductive layer to form a plurality of gaps* (claim 27). Unlike the claims of the present application, the patent claims teach *forming a first and second antireflective layers* (patent claims 1 and 9), and *forming a mask on the second antireflective layer* (patent claim 1). Furthermore, the patent claims do not disclose the limitations of dependent claims 28-31 of the present application as set forth in the above amendments.

Therefore, since the scope of the independent claims 21 and 27 and dependent

claims 22-26 and 28-37 differs from the scope of, and patentably distinguish over the patent claims, the rejection is not applicable to the new claims and accordingly should be withdrawn.

Based on the above, it is submitted that the application is in condition for allowance and such a Notice with allowed claims 21-37 is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Date



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